December 2, 2003

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No.: 004-7440

Transmitted herewith for filing is a patent application as follows:

Inventor(s):   Shirish Rai and Christine Tomlinson
Title: METHOD AND APPARATUS FOR ADAPTIVE LOAD BALANCING
Assignee: Sun Microsystems, Inc.

22141 U.S. PTO
10/725738
120203

Enclosed are:

- ☒ Application Data Sheet (2 page(s))
- ☒ Request for Non-Publication and Certification under 35 U.S.C. 122(b)(2)(B)(i) (1 page(s))
- 27 Pages of Written Description (including Specification, Claims and Abstract)
- 6 Sheets of Drawings, X Formal / __ Informal
- ☒ Declaration for Patent Application (4 pages), X Executed/ __ Unexecuted
- ☒ Assignment of the Invention (5 pages, including Cover Sheet)
- ☐ Information Disclosure Statement (_____ pages)
  - ☐ with Form(s) PTO 1449 (_____ page(s)) and copies of _____ reference(s)
- ☒ Other: Check in the amount of $2,140.00;
- ☒ This Transmittal Letter (in duplicate) (1 page(s)) ☒ Return Postcard

CLAIMS AS FILED

	Number Filed	Number Extra	Rate	Fee
Basic Fee =				770.00
Total Claims	70 - 20	= 50	x $18.00 =	900.00
Independent Claims	8 - 3	= 5	x $86.00 =	430.00
Multiple Dependent Claims (if any) - $290.00 fee				
Other: Recordation of Assignment Document				40.00
TOTAL FILING FEE				$2,140.00

- ☐ Small entity status is entitled to be asserted for the application.
- ☒ A check is enclosed for the Total Filing Fee shown above.
- ☐ Please charge the Total Filing Fee shown above to Deposit Account 50-0631.
- ☒ The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or 1.17 that may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

| EXPRESS MAIL LABEL NO.
EV 401 038 670 US |
|---|

Respectfully submitted,

[signature]

Steven R. Gilliam, Reg. No. 51,734
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(512) 338-6320
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<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>

Applicant(s):   Shirish Rai and Christine Tomlinson

Title: METHOD AND APPARATUS FOR ADAPTIVE LOAD BALANCING

Application No.: Not Yet Assigned   Filed: Herewith

Examiner: Not Yet Assigned   Group Art Unit: Not Yet Assigned

Atty. Docket No.: 004-7440

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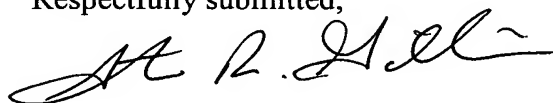COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR NONPUBLICATION
AND CERTIFICATION (35 U.S.C. § 122(b)(2)(B)(i))

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. § 122(b).

EXPRESS MAIL LABEL NO.:
EV 401 038 670 US

Respectfully submitted,

Steven R. Gilliam, Reg. No. 51,734
Attorney for Applicant(s)
(512) 338-6320
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This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).